

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN DIMARCO,

Plaintiff,

23-cv-610 (JGK)

- against -

ORDER

ALBIREO PHARMA, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff had 90 days from filing the complaint, on January 24, 2023, to serve the summons and complaint on the defendants. Fed. R. Civ. P. 4(m). After that deadline elapsed without any service on the defendants, this Court extended the time for the plaintiff to serve the summons and complaint to June 1, 2023. ECF No. 6. In that Order, the Court advised the plaintiff that failure to serve by June 1, 2023 could result in dismissal without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m).

To date, the plaintiff has failed to serve the summons and complaint on any of the defendants. Accordingly, the action is **dismissed without prejudice** for failure to prosecute. The Clerk is directed to close this case.

SO ORDERED.

Dated: New York, New York
June 16, 2023

/s/ John G. Koeltl
John G. Koeltl
United States District Judge